

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 19, 1998

DIVISION TWO

B107234 People (Not for Publication)
v.
Williams

The matter is remanded to the trial court with instructions to conduct a hearing on the applicability of the statute of limitations as a bar to prosecution of the charged offense. If the trial court finds the statute of limitations had run, the court is instructed to vacate the judgment. If the trial court finds the statute of limitations had not yet run, the judgment of conviction shall stand.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

B119878 Block (Certified for Publication)
v.
Superior Court, L.A. County
Robert John Downey, Jr.

The petition for writ of mandate is denied as moot.

Boren, P.J.

We concur: Fukuto, J.
Nott, J.

March 19, 1998-Continued

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

B108730 People (Not for Publication)
v.
Lee

The judgment is modified to strike the one-year sentence imposed and stayed pursuant to Penal Code section 667.5, subdivision (b). In all other respects, the judgment is affirmed.

Zebrowski, J.

We concur: Fukuto, Acting P.J.
 Nott, J.

DIVISION THREE

B110673 People (Not for Publication)
v.
William D.

The order continuing wardship is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

March 19, 1998-Continued

DIVISION THREE (Continued)

[illegible]

The juvenile court's order sustaining the Welfare and Institutions Code section 777 petition and committing James R. to the California Youth Authority is reversed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

[illegible]

The judgment of conviction is vacated. The matter is remanded to the trial court to permit Loomis to withdraw his plea, if he so desires. If Loomis elects to not withdraw his plea, the trial court shall sentence him in accordance with this opinion.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B108120 Carmen Vilchez, et al. (Not for Publication)
v.
Housing Authority of the City of Los Angeles

The judgment in favor of HACLA is affirmed. Each side to bear their own costs.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B114384 Albert Shnaider, et al. (Not for Publication)

v.
Superior Court, Los Angeles County
(Shen Sevrin, r.p.i.)

The alternative writ is discharged. A writ of mandate is hereby issued ordering the trial court to vacate its order denying defendants' motion for summary judgment and to enter a new order granting said motion. The parties are to bear their own costs.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B106901 People (Not for Publication)

v.
Garcia

The judgment is affirmed. The trial court is directed to correct its sentencing minute order to reflect the court's award of precommitment credit, and is further directed to prepare an amended abstract of judgment reflecting that award and to forward a certified copy thereof to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

March 19, 1998-Continued

DIVISION THREE (Continued)

[illegible]

The order under review is affirmed, except that the trial court's finding that the April 18, 1996 petition was true, and the court's order sustaining that petition, are reversed, and the matter is remanded for a new disposition hearing consistent with this opinion.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B107614 People (Not for Publication)
v.
London

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B108791 People (Not for Publication)
v.
Rivera

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

March 19, 1998-Continued

DIVISION THREE (Continued)

B110022 Ohtech International, Inc. (Not for Publication)
v.
State Board of Equalization

The judgment appealed from is affirmed. Costs on appeal to the Board of Equalization.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B107469	L.A. Recovery '95 Income Fund, L.P., et al. v. Brand/Broadway Partners, Ltd., et al.	(Not for Publication)
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The judgment in the consolidated cases of EC 018849 and EC 018934 is reversed, and the matter is remanded to the trial court to vacate its order granting summary judgment in favor of defendants and to enter an order denying defendants' motion for summary judgment for the reasons stated in this opinion. The stay order in the case of EC 020960 is affirmed, and that matter is remanded to the trial court for further proceedings in light of this opinion. Plaintiff is awarded its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B107537 People (Not for Publication)
v.
Diaz

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

March 19, 1998-Continued

DIVISION THREE (Continued)

B107449 Kerri Tribby (Not for Publication)

V.

Progressive Casualty Insurance Company

The judgment is affirmed. Progressive shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B116436 Banner Entertainment, Inc. (Certified for Publication)

V.

Superior Court, Los Angeles County
(Alchemy Filmworks, Inc., r.p.i.)

The alternative writ is discharged. The petition for a writ of mandate is granted. The stay order heretofore issued will be lifted upon issuance of the remittitur by this court. The matter is remanded to the trial court with directions to vacate its order granting Alchemy's petition to compel arbitration, to enter an order denying that petition, and to conduct any further proceedings which may be required in a manner not inconsistent with the views expressed herein. Banner shall recover its costs in this writ proceeding. (Cal. Rules of Court, Rule 56.4, subd. (a).)

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., Czuleger, J. (Assigned), and Jim Guzman, Deputy Clerk.

DIVISION FOUR (Continued)

Each of the following:

B112498 People v. Jackson
B110815 People v. McKnight
B109624 Williams v. Shamberg
B118105 Victoria M. v. Superior Court & D.C.F.S.
B102289 People v. Baldwin
B109012 People v. Johnson
B116604 D.C.F.S. v. Steve C.

Argument waived, cause submitted.

B100693 Estate of Alonzo
v.
California State Department of Transportation

Merits:
Argued by Bruce W. Barr for respondent and waiver of oral argument by
appellant. Cause submitted.

B104129 People
v.
Smith

Merits:
Argued by Michaela Curran for appellant and by Theresa A. Cochrane for
respondent. Cause submitted.

B118036 Boyd
v.
Superior Court of Los Angeles
(Bice, r.p.i.)

Merits:
Argued by Bruce A. Finck for petitioner and by Evan Marshall for
appellant. Cause submitted.

DIVISION FOUR (Continued)

B117863 Superior Court of Los Angeles
v.
Department of Children and Family Services

Merits:

Argued by Robert A. Devine for petitioner and by Lisa Rozzano for real party in interest. Cause submitted.

B079390 Sensor System Inc.
v.
Klein

Merits:

Argued by Mark E. Goodfriend for appellants and by David F. Myers for respondents. Cause submitted.

B100100 Webster
v.
Royal Maccabees Life Insurance Co.

Merits:

Argued by D. Scott Mohny for appellant and by J. Scott Humphrey for respondent. Cause submitted.

B102805 Infinite Productions Inc.
v.
Schmidt

Merits:

Argued by John M. Mascarino for appellant and by Joseph D. Schleimer for respondents. Cause submitted.

Court recessed.

DIVISION FOUR (Continued)

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., Czuleger, J. (Assigned), and Jim Guzman, Deputy Clerk.

B113897 Martinez
 v.
 Pacific National Insurance Co.

Merits:
Argued by Robert N. Benjamin for appellant and by Douglas W. Larr for respondent. Cause submitted.

B108990 People
 v.
 Acker

Merits:
Argued by Jennifer R. Jacobs for appellant and by Michael J. Egan for respondent. Cause submitted.

B108128 Mercz
 v.
 Mercer

Merits:
Argued by Steven E. Reeve for appellants and by Rebecca J. Smith for respondent. Cause submitted.

B111189 City of Los Angeles
 v.
 Amwest Insurance Company

Merits:
Argued by Fay A. Chu for appellant and by Stanley Haren for respondent. Cause submitted.

DIVISION FOUR (Continued)

B110182 Garner
 v.
 Fire Insurance Exchange

Merits:

Argued by Anthony M. Amoscato for appellant and by William J. Glazer for respondent. Cause submitted.

B111638 Century Park Place Condominium
 v.
 Nadel Partnership

Merits:

Argued by Kendall Caudry for appellant and by Phillip R. Marrone for respondent. Cause submitted.

B109105 Hoyt
 v.
 City of Los Angeles

Merits:

Argued by R. Stephen Bolinger for appellant and by Paul L. Winnemore for respondent. Cause submitted.

B108500 Sakai
 v.
 Los Angeles Dodgers

Merits:

Argued by Brian P. Simon for appellants and by Jerome M. Jackson for respondent. Cause submitted.

B113151 Mota
 v.
 City of Los Angeles

Matter continued to April 17, 1998, at 1:30 p.m.

March 19, 1998-Continued

DIVISION FOUR (Continued)

B104147 Artner
v.
Parker, Milliken, Clark , O'Hara et al.

Merits:
Argued by Ellen R. Serbin for appellants and by Don E. Lanson for respondents. Cause submitted.

B098735 Jamgotchian
v.
City of Hawthorne

Merits:
Argued by Christopher Sutton for appellants and by Michael M. Mullins for respondents. Cause submitted.

Court adjourned.

DIVISION FIVE

B106213 Sue Barbara Ross (Not for Publication)
v.
California Fair Plan Association

The judgment is reversed. California Fair Plan is to pay Ross's costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B105958 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Leon D. et al.

The dependency court's order assuming jurisdiction over Angel pursuant to section 300, subdivision (b) is affirmed. The dispositional order is affirmed to the extent it removed Angel from appellants' custody. The dispositional order is reversed only insofar as the court failed to formulate an appropriate and specific reunification plan. The matter is remanded for the sole purpose of having the court formulate such a plan.

Jackson, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J. (with opinion)

B111950 Carl Jones
 v.
 L.A. County Metro. Transportation

Filed order denying petition for rehearing.

DIVISION SIX

B107620 People (Not for Publication)
 v.
 McLaurin

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
 Coffee, J.

March 19, 1998-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

B113157 People (Not for Publication)
v.
Lozano and Lopez

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

DIVISION SEVEN

B095859 RTC Mortgage Trust 1994-S2 (Certified for Publication)
v.
Shlens

The judgment is affirmed. The order denying the motion of RTC Mortgage Trust 1994-S2 for attorney's fees and costs is reversed, and on remand the trial court is directed to determine the amount of reasonable attorney's fees and costs to which RTC Mortgage Trust 1994-S2 is entitled. RTC Mortgage Trust 1994-S2 is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B094448 Degrate (Not for Publication)

v.
Eaton Corporation

The judgment and the order granting attorney's fees are reversed. The cause is remanded to the trial court for additional proceedings pursuant to Code of Civil Procedure section 616. Appellant is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B111462 Price (Not for Publication)

v.
Trafecanty

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B112486 Vons Companies (Not for Publication)

v.
W.C.A.B. and Hartman

The May 14, 1997, order of the Worker's Compensation Appeals Board is hereby annulled and the March 18, 1997, order of the WCJ reinstated.

Johnson, Acting P.J.

We concur: Woods, J.
 Neal, J.

DIVISION SEVEN (Continued)

B107226 Rinaldi Convalescent Hospital (Certified for Publication)

v.

Department of Health Care Services

The order denying the petition for writ of mandate is reversed. The cause is remanded to the trial court with directions to enter a new and different order granting the petition and directing the Department of Health Services to reverse the audit adjustment for "incontinent supplies" in the amount of \$35,584.61. Each party to bear its costs on appeal.

Johnson, J.

We concur: Lillie, P.J.

Neal, J.

B101355 Forman (Not for Publication)

v.

Chicago Title Insurance Co.

The judgment is reversed and the cause remanded for a new trial on the issue of damages alone, with directions to take evidence as to the value of real property as of the date of discovery of the title defect, to make findings and enter judgment accordingly. In all other respects, the judgment is affirmed. The motions for sanctions is dismissed. Each party shall bear its own costs on appeal.

Johnson, J.

We concur: Lillie, P.J.

Neal, J.